

**ATTACHMENT A – Mark-Up Copy
TC 06-05**

**AN ORDINANCE TO AMEND THE DURHAM UNIFIED DEVELOPMENT
ORDINANCE TO INCORPORATE REVISIONS TO STATE SEDIMENTATION
AND EROSION CONTROL STATUTES**

SECTION 1

WHEREAS, the [Durham City Council/Board of County Commissioners] wishes to amend the Durham Unified Development Ordinance, and

WHEREAS, North Carolina SL 2005-386 and SL 2005-443 amend various environmental laws related to the environment, environmental health, and natural resources; and

WHEREAS, incorporation of revised sedimentation and erosion control standards into the Unified Development Ordinance is necessary to be in compliance with State Law;

NOW, THEREFORE, be it ordained that the Unified Development Ordinance is amended to incorporate the following:

SECTION 2

Amend the UDO as follows:

3.7.4 Site Plan Requirements

C. Proposed Conditions

9. *Storm Drainage*: location and description of temporary and permanent storm drainage pipes and swales; amount of impervious surface; ~~provisions for erosion and sedimentation controls, including retention and detention facilities;~~ as well as professionally sealed engineering calculations used in the design.

3.8.2 Application Requirements

- A. Three copies of the plan shall be filed at least 30 days prior to the commencement of the proposed activity with the Sedimentation and Erosion Control Office, which will forward it to the Durham Soil and Water Conservation District. If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity. A copy of the erosion control plan for any land-disturbing activity that involves the utilization of ditches for the purpose of dewatering or lowering the water table must be forwarded to the director of the state division of water quality. One copy of the approved plan shall be kept on file at the job site. After approving the plan, if the Sedimentation and Erosion Control

Officer, or designee, upon inspection of the job site, determines that a significant risk of off-site sedimentation exists, the Sedimentation and Erosion Control Officer, or designee, will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the Sedimentation and Erosion Control Officer, or designee. Even if a plan is approved in less than 30 days, no land-disturbing activity may occur until at least 30 days after the approved plan has been filed with the Sedimentation and Erosion Control Office.

12.10.5 Land Disturbing Permits

- A. A land-disturbing permit may be obtained upon submitting the fee, zoning compliance checkoff issued by the Durham City-County Planning Department, statement of financial responsibility and ownership, approved erosion control plan, if required, security deposit, if required, certification that tree protection fencing has been installed, if required, by obtaining approval of the proposed project by the City or County as applicable. If the applicant is not the owner of the land to be disturbed, the applicant must also include the owner's written consent for the applicant to submit a permit application and to conduct the anticipated land-disturbing activity. The applicant shall submit three copies of the plan, if required, to the Sedimentation and Erosion Control Officer, or designee, at least 30 days prior to commencement of the proposed activity. The Sedimentation and Erosion Control Officer, or designee, shall review permit applications for land disturbing activities ~~of one acre or less~~ which do not require an approved plan and, within 14 calendar days of receipt thereof, shall notify the person submitting the application that it has been approved, approved with modifications, or disapproved. No permit shall be issued until such time as the local government is assured that the proposed land-disturbing activity will be carried out in accordance with this Article and the approved erosion control plan, if required. A land-disturbing permit application may be disapproved for the same reasons that an erosion control plan may be disapproved, as set forth in Sec.3.8.7 of this Ordinance.

12.10.6 Mandatory Standards for Land-Disturbing Activity

B. Graded Slopes and Fills

The angle for ~~graded slopes and fills~~ disturbed land shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within ~~15 working days or 30~~ 21 calendar days, ~~whichever period is shorter,~~ of completion of any phase or grading, be planted or otherwise provided with temporary or permanent ground cover, devices or structures sufficient to restrain erosion.

12.10.6 Mandatory Standards for Land-Disturbing Activity

D. Prior Plan Approval

No person shall initiate any land-disturbing activity on a tract for which an erosion control plan is required by Sec. 3.8.1, Applicability, of this Ordinance

unless, 30 or more days prior to initiating the activity, an erosion control plan for such activity is filed with and approved by the County Sedimentation and Erosion Control Office. Even if a permit is issued in less than 30 days, no land-disturbing activity may occur until at least 30 days after the approved plan has been filed with the Sedimentation and Erosion Control Office.

SECTION 3

That the Unified Development Ordinance may be renumbered as necessary to accommodate these changes.

SECTION 4

That this amendment to the Unified Development Ordinance shall become effective upon adoption.